

economic concepts like quality, preference, and efficiency. The rule of reason, I am sure, will continue to bedevil judges, practitioners, and law students alike, but that is just fine.

Antitrust, as I keep saying, is ultimately a common law exercise. I am here to argue merely that the consumer welfare standard, when handled prudently, is a far better steward of our economy than the progressive standard, which is deeply misguided and potentially quite destructive.

Take, for instance, the proposed Amazon-Whole Foods merger, which has generated so much interest lately. It would, of course, be inappropriate for me on the floor of the Senate to pass judgment. I would caution my colleagues the same. There is an established process for review, but the question should be asked: Upon what basis should antitrust authorities evaluate a proposed merger like this? What we need is the consumer welfare standard. It carefully examines the basic and critical question of whether such a deal helps consumers or whether it hurts consumers. It relies on a coherent doctrine to strike a balance. It is a balance between the merger's pro-competitive effects, such as integrative efficiencies and innovation, and the antitrust competitive potential, such as market domination by one firm or facilitated price coordination by the few that remain. What we absolutely do not need, on the other hand, is the progressive standard.

Under no doctrinal limitations to cabin discretion, antitrust officials would gladly follow vague institutions in shifting intuitions. With a broad mandate to pursue aims far grander than mere market efficiency, officials would be free to engage in ad hoc theorizing about whether corporate consolidation, writ large, can be squared with universal justice, common fairness, and community values, or of whatever else their creativity recommends. To take another example, across the Atlantic, our friends in the European Union have leveled a massive fine against Google for anti-competitive conduct. Again, it is not for me to say on the floor whether those fines are justified. I don't think they are, but it is not for me to say.

Once more, what we need is the framework provided by the consumer welfare standard. We must weigh the pro-competitive aspects of Google's conduct with its anti-competitive potential. The ultimate inquiry should be whether consumers are better off as a result of Google's actions. Under the progressive standard, however, instead of asking what lowers prices and increases quality—instead of considering actual proof of harm to consumers—we would be asking what best serves the social goals in vogue at the moment. The result would be an open invitation to market intervention that is more politically motivated than economically sound.

In conclusion, for all the past rhetoric, for all the claims that a new age requires a new doctrine, the ideas behind the progressive standard are not new. They are terribly old. They may

be adorned with original terminology or aimed at novel markets, but it is the same old collectivist impulse it has always been. In that sense, these ideas are not unique to Americans. Every day we receive concerning reports from around the world that foreign governments are increasingly turning to antitrust for industrial policy. Whether domestically or abroad, the stakes are simply too high, the consequences too grievous for the consumer welfare standard to be swept away in an instant, merely because a new breed of central planners—falsely conceiving themselves different from their predecessors—imagine they know best.

In America, we have always opted for the invisible hand of the free market over the heavy hand of government intervention. Let's keep it that way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOB DOLE CONGRESSIONAL GOLD MEDAL ACT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1616 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (S. 1616) to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERTS. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1616) was passed, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bob Dole Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Bob Dole was born on July 22, 1923 in Russell, Kansas.

(2) Growing up during the Great Depression, Bob Dole learned the values of hard-

work and discipline, and worked at a local drug store.

(3) In 1941, Bob Dole enrolled at the University of Kansas as a pre-medical student. During his time at KU he played for the basketball, football, and track teams, and joined the Kappa Sigma Fraternity, from which he would receive the "Man of the Year" award in 1970.

(4) Bob Dole's collegiate studies were interrupted by WWII, and he enlisted in the United States Army. During a military offensive in Italy, he was seriously wounded while trying to save a fellow soldier. Despite his grave injuries, Dole recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Cluster for his service. He also received an American Campaign Medal, a European-African-Middle Eastern Campaign Medal, and a World War II Victory Medal.

(5) While working on his law degree from Washburn University, Bob Dole was elected into the Kansas House of Representatives, serving from 1951-1953.

(6) Bob Dole was elected into the U.S. House of Representatives and served two Kansas districts from 1961-1969.

(7) In 1969, Bob Dole was elected into the U.S. Senate and served until 1996. Over the course of this period, he served as Chairman of the Republican National Committee, Chairman of the Finance Committee, Senate Minority Leader, and Senate Majority Leader.

(8) Bob Dole was known for his ability work across the aisle and embrace practical bipartisanship on issues such as social security.

(9) Bob Dole has been a life-long advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act in 1990.

(10) After his appointment as Majority Leader, Bob Dole set the record as the nation's longest-serving Republican Leader in the Senate.

(11) Several Presidents of the United States have specially honored Bob Dole for his hard-work and leadership in the public sector. This recognition is exemplified by the following:

(A) President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989 stating, "Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Senate Majority Leader during one of the most productive Congresses of recent time, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service."

(B) Upon awarding Bob Dole with the Presidential Medal of Freedom in 1997, President Clinton made the following comments, "Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams. . . In times of conflict and crisis, he has worked to keep America united and strong. . . our country is better for his courage, his determination, and his willingness to go the long course to lead America."

(12) After his career in public office, Bob Dole became an active advocate for the public good. He served as National Chairman of the World War II Memorial Campaign, helping raise over \$197 million dollars to construct the National WWII Memorial, and as Co-Chair of the Families of Freedom Scholarship Fund, raising over \$120 million for the educational needs of the families of victims of 9-11.

(13) From 1997-2001, Bob Dole served as chairman of the International Commission

on Missing Persons in the Former Yugoslavia.

(14) In 2003, Bob Dole established The Robert J. Dole Institute of Politics at the University of Kansas to encourage bipartisanism in politics.

(15) Bob Dole is a strong proponent of international justice and, in 2004, received the Golden Medal of Freedom from the president of Kosovo for his support of democracy and freedom in Kosovo.

(16) In 2007, President George W. Bush appointed Bob Dole to co-chair the President's Commission on Care for America's Returning Wounded Warriors, which inspected the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

(17) Bob Dole was the co-creator of the McGovern-Dole International Food for Education and Child Nutrition Program, helping combat child hunger and poverty. In 2008, he was co-awarded the World Food Prize for his work with this organization.

(18) Bob Dole is co-founder of the Bipartisan Policy Center which works to develop policies suitable for bipartisan support.

(19) Bob Dole is a strong advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the Honor Flight Network.

(20) Bob Dole serves as Finance Chairman of the Campaign for the National Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight D. Eisenhower in Washington, DC.

(21) Bob Dole was acknowledged by many organizations for his achievements both inside and outside of politics, including being awarded the "U.S. Senator John Heinz Award for Outstanding Public Service By An Elected Official", the Gold Good Citizenship Award, the American Patriot Award, the Survivor's Gratitude Award, the U.S. Association of Former Member of Congress Distinguished Service Award, a Distinguished Service Medal, the French Legion of Honor medal, the Horatio Alger Award, the U.S. Defense Department's Distinguished Public Service Award, the National Collegiate Athletic Association's Teddy Roosevelt Award, the Albert Schweitzer Medal "for outstanding contributions to animal welfare", the 2004 Sylvanus Thayer Award, and honorary degrees from the University of Kansas, Fort Hays State University, and the University of New Hampshire School of Law.

(22) Throughout his life-long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and serves as one of the most prolific role models both in and outside of politics.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a gold medal of appropriate design to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for pur-

poses of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Mr. ROBERTS. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise also to talk about my dear friend and mentor, Bob Dole. Senator Dole just celebrated his 94th birthday, and I think it is obviously right and proper to honor his contributions to our Nation.

Let me tell you a little bit about Bob Dole. He comes from Russell, KS. You can't get any more Kansas than Russell. Growing up during the Great Depression, Bob Dole learned the values of hard work and discipline, which is the mark of a Kansas upbringing and the heart of what I call Kansas values.

In 1941, Bob Dole enrolled at the University of Kansas as a premed student. During his time at KU, he played for the basketball, football, and track teams. Being a K-State alum, I don't always hold that against him, but his collegiate studies were interrupted by World War II. And when he answered the call to duty, he joined the U.S. Army. During a military offensive in Italy, he was very seriously wounded while trying to save a fellow soldier. Despite his grave injuries, Bob recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Leaf Cluster for his service. He is indeed a warrior and a hero.

After the war, Bob returned to Kansas, studied the law, and was elected to the Kansas House of Representatives. He soon moved to the U.S. House of Representatives and served two Kansas districts from 1961 to 1969, including my old district, if I can refer to it in that way, "The Big First."

In 1969, Bob Dole was elected to the U.S. Senate and served until 1996. Now, over the course of this period, he served as chairman of the Republican National Committee, chairman of the Finance Committee, Senate minority leader, and then Senate majority leader.

During his time in Washington, Senator Dole was known for his ability to work across the aisle and embrace practical bipartisanship on the issues, such as tax reform, Social Security, and many other pressing issues. I would call this the Kansas approach to legislating. He has been a lifelong advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act back in 1990.

After his appointment as majority leader, Bob Dole set the record as the Nation's longest serving Republican leader in the Senate of the United States. Several Presidents of the United States have especially honored Bob for his hard work and leadership in the public sector. For example, President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989.

President Reagan stated:

Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Serving as Senate Majority Leader during one of the most productive Congresses of recent time, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service.

So said our former President, Ronald Reagan.

As I said, they are Kansas values.

Likewise, in 1997, President Clinton awarded Senator Dole with the Presidential Medal of Freedom saying:

Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams. . . . In times of conflict and crisis, he has worked to keep America united and strong. . . . Our country is better for his courage, his determination, and his willingness to go the long course to lead America.

So said our former President, Bill Clinton.

Senator Dole remains active today, serving as the national chairman of the World War II Memorial Campaign, a memorial that simply would not be in existence today had it not been for his perseverance, leadership, and cochair of the Families of Freedom Scholarship Fund.

In 2007 President George W. Bush appointed Bob to cochair the President's Commission on Care for America's Returning Wounded Warriors, which inspected and reformed the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

He remains the strongest advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the national Honor Flight Network.

As a person who has gone to the World War II Memorial, along with Bob Dole, I know I greet the veterans at the bus. They immediately get off the bus. Whether they are from Kansas or any other State, they are very proud to come to see their memorial. The first question they ask is this: Where is Bob? Is Bob here? Then, they flock to him like a mother hen. Maybe, that is not the best example, but it certainly shows the pride and the desire of our veterans to meet the man who did so much for their memorial.

I am also proud that he serves today as the finance chairman of the campaign for the national Dwight D. Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight David Eisenhower, our favorite son in Kansas, here in Washington, something near and dear to both of us. I am privileged to be the chairman of the Eisenhower Memorial Commission.

It is abundantly clear that throughout his long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and he serves as one of the most prolific role models both in and outside of politics.

I am reminded of the time when I was stationed at Quantico as a young marine and my dad, Wes Roberts, who was

a friend and adviser to Bob, said: I want to take you up to the Hill to meet Congressman Bob Dole. I consider him to have the highest potential to be whatever he wants with regard to public service.

So I went up to the Hill, and I met this handsome young man. He didn't sit on his hands very long in terms of what he wanted to accomplish. I first met him then, and, then, as a staffer for my predecessor, the Honorable Keith Sebelius, a congressman from "The Big First" and, then, as a Member of the House for 16 years.

I tell the story that most people in the House thought that whatever I proposed or whatever I was for, Bob Dole was for me. Well, about 50 percent of that was true, but I never told them about the other 50 percent. So I was really able to get a lot done.

Bob, thank you for that.

I am so proud—so proud—to call him friend. I am proud to serve his State. I am equally proud today that each Senator—each and every Senator and colleagues on both sides of the aisle—have joined me in honoring Senator Bob Dole with a Congressional Gold Medal—all 100. It didn't take very long.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

PRIVATE CORRADO PICCOLI PURPLE HEART PRESERVATION ACT

Mr. PERDUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 765 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 765) to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. PERDUE. Mr. President, I ask unanimous consent that the Perdue substitute amendment be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 767) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Corrado Piccoli Purple Heart Preservation Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Purple Heart medal solemnly recognizes the great and sometimes ultimate sacrifice of American servicemembers like Private Corrado Piccoli.

(2) The Purple Heart medal holds a place of honor as the national symbol of this sacrifice and deserves special protections.

SEC. 3. PENALTY FOR SALE OF PURPLE HEARTS AWARDED TO MEMBERS OF THE ARMED FORCES.

Section 704 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Whoever" and inserting "Except as provided in subsection (e), whoever"; and

(2) by adding at the end the following:

"(e) PURPLE HEART.—

"(1) PENALTY.—Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 6 months, or both.

"(2) LIMITATION ON REGULATIONS.—Regulations described in paragraph (1) may not authorize the sale of any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, unless the sale is conducted by the member or former member to whom the Purple Heart was awarded.

"(3) DEFINITION.—In this subsection, the term 'willfully' means the voluntary, intentional violation of a known legal duty."

The bill (S. 765), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. PERDUE. Mr. President, this legislation is important because it will offer the Purple Heart the same types of legal protections currently in place for the Medal of Honor and help put an end to profiteering off of the sacrifice of our great American heroes.

I would like to thank those Senators who have cosponsored this bill, as well, and the chairman and ranking member of the Judiciary Committee for persisting to get this bill on the floor.

There is no higher honor that we have in the Senate than to honor our veterans and the people who put their lives on the line every day for their country.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 76

Mr. PERDUE. Mr. President, I ask unanimous consent that if the Senate receives H.J. Res. 76 from the House, and if the text of H.J. Res. 76 is identical to the text at the desk, that the joint resolution be considered passed, the preamble be considered agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

HEALTHCARE

Mr. CARPER. Good afternoon, Mr. President. It is good to see the Presiding Officer and to hear my colleague Senator PERDUE, as he prepares to probably head for home for the next several weeks.

A number of our Senators are heading for their home States this afternoon and tomorrow to begin what is traditionally called the August recess. I am fortunate to live in Delaware, and I can go home every night. Some people see it as a blessing, others as a curse. I see it as a blessing to go home and stay a while. I am looking forward to that.

We have three Senate office buildings here on Capitol Hill that Senators share and where they have their office space. The oldest is Russell. The next oldest is Dirksen. The newest is a building they call the Hart Senate Office Building. For 16 or 17 years, my staff and I have been in the Hart Building—and by choice. Every 2 years we can change offices, but we always want to stay in the same office, which is sort of unusual when you have been here for 16 or 17 years.

Sometimes a lot of people say the names Russell or Dirksen or Hart. Russell and Dirksen are pretty famous folks, even now. Hart is less well known. I will not take a lot of time to give a deep history of who Philip Hart was, but he was a Senator from Michigan and he was a Democrat. His time here preceded my time.

I was elected State treasurer for Delaware in 1976, a Congressman in 1982, and Governor in 1992. Then, I came to the Senate in 2001. But for Philip Hart and me, as far as I know, our service never crossed. If we did, I am not aware.

I don't know a lot of the things he was famous for. There are some of his famous quotes, but one of my all-time favorite quotations are the words I believe he said when he left this place. He left the Senate and retired. Some say he left too soon, but when he retired, he said these words: "I leave as I arrived, understanding clearly the complexity of the world into which we were born and optimistic that if we give it our best shot, we will come close to achieving the goals set for us 200 years ago."

That is what he said. Aren't those wonderful words? At a time when we could actually use a little bit of encouragement, I hope that, maybe, his words provide at least a small measure. For me, they always provided a large measure.

If you go back to the beginning of this Congress, January 3, and the inauguration of the President on January 20 of this year, there were high hopes